

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

DON PHILIPPI,

Plaintiff,

v.

HOWARD SKOLNIK, *et al.*,

Defendants.

3:11-cv-00272-LRH-VPC

**REPORT AND RECOMMENDATION  
OF U.S. MAGISTRATE JUDGE**

August 2, 2013

This Report and Recommendation is made to the Honorable Larry R. Hicks, United States District Judge. The action was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and LR IB 1-4.

On April 24, 2013, the court entered its Report and Recommendation granting defendants' motion for summary judgment (#66) on plaintiff's due process claim (Count I) and RLUIPA claim (Count II) and dismissing plaintiff's First Amendment access to court and/or retaliation claim (Count III) without prejudice to renew, leaving no remaining claims in this lawsuit. However, the court inadvertently omitted its corresponding recommendation that plaintiff's cross-motion for summary judgment (#72) be denied.

Based on the foregoing, and for the reasons set forth in the court's April 24, 2013, Report and Recommendation (#80), the court concludes that plaintiff has failed to set forth any genuine issues of material fact for trial. The parties are advised:

1. Pursuant to 28 U.S.C. § 636(b)(1)(c) and Rule IB 3-2 of the Local Rules of Practice, the parties may file specific written objections to this Report and Recommendation within fourteen days of receipt. These objections should be entitled "Objections to Magistrate Judge's Report and

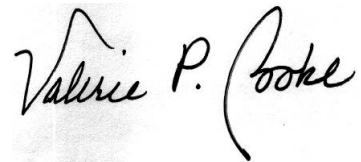
1 Recommendation” and should be accompanied by points and authorities for consideration by the  
2 District Court.

3 2. This Report and Recommendation is not an appealable order and any notice of appeal  
4 pursuant to Fed. R. App. P. 4(a)(1) should not be filed until entry of the District Court’s judgment.  
5

6 **IV. RECOMMENDATION**

7 **IT IS THEREFORE RECOMMENDED** that plaintiff’s cross-motion for summary  
8 judgment (#72) be **DENIED**.

9 **DATED:** August 2, 2013.

10 

11  
12 **UNITED STATES MAGISTRATE JUDGE**  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28